

II. REMARKS AND ARGUMENTS

Formal Matters

- Defective Reissue Oath/Declaration
 - Examiner's Stance

The Examiner asserts that the Reissue Declaration filed August 14, 2000 fails to comply with 37 CFR 1.63 because the declaration fails to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56 as required by 37 CFR 1.63(b)(3). The Examiner suggest that this defect may be cured, by using Form PTO/SB/51.

- Applicant's Response

While Applicant traverses the Examiner's objection noting that 1327 OG 112 specifically exempts application of the words "material to patentability as defined in § 1.56" with respect to declarations filed prior to June 1, 2008. The reissue declaration of August 14, 2000 was filed eight years earlier.

However, to end the reissue declaration issue, Applicant herein includes THREE declarations, the declaration provided in Applicant's May 5, 2010 Response to Office Action of March 19, 2010, amended as to include the language "material to patentability as defined in § 1.56," an executed copy of Form PTO/SB/51 which includes the same language. and PTO/SB/51 suggested by the Examiner in her last office action. With these submissions. Applicant respectfully asserts that this issue is mooted.

- **Request for All Claims Pending, Original and Amended**

- Examiner's Stance

The Examiner has requested that the Applicant provide all claims pending, original and amended claims, with the amended claims including brackets and deletions and new claims underlined.

- Applicant's Response

While Applicant traverses the request to the extent that Applicant asserts no duty to set forth such claims, Applicant sets forth the claims as he understands should be issued. The Examiner is requested to check Applicant's understanding. Applicant asserts that any failure to meet a formality in displaying the claims below cannot be used against Applicant to once more delay issuance of the patent. The term "Original" is used below if the Applicant understands the claim to be found in the patent from which reissue was sought, "Amended" if the claim was a claim found in the patent from which reissue was sought but some change was made to the claim (amended one or more times during the reissue proceedings), and "Added" if the claim was added in the reissue proceeding with final amendments being shown.

Claim 1. (Amended) A package amusement device comprising:

a packaging means for packaging a gift, said packaging means selected from the group consisting of at least one of: a *gift* box, [an enclosing shell], an egg-shell, a *gift* bag, wrapping paper, and ribbon material;

a detection means integrated with said packaging means for detecting change with respect to the packaging means or to the immediate vicinity of said packaging means;

a microprocessor means integrated with said packaging means and electronically connected to said detection means for generating a pre-programmed signal upon said change with respect to the packaging means or to the immediate vicinity of said packaging means;

a sense-detectible signal generating means electronically connected to said microprocessor means for generating a sense-detectible signal in response to said pre-programmed signal from said microprocessor means.

Claim 2. (Original) The package amusement device of claim 1 wherein said sense-detectable signal is sound.

Claim 3. (Original) The package amusement device of claim 1 wherein said sense-detectable signal is light.

Claim 4. (Original) An egg-shell shaped package amusement device, comprising:

an egg-shell shaped housing;

a gift disposed within said egg-shell shaped housing;

a detection means integrated with said egg-shell shaped housing for detecting change with respect to said egg-shell shaped housing or to the immediate vicinity of said egg-shell shaped housing;

a microprocessor means integrated with said egg-shell shaped housing and electronically-coupled to said detection means for generating a pre-programmed signal upon said change with respect to said egg-shell shaped housing or to the immediate vicinity of said egg-shell shaped housing;

a sense-detectible signal generating means electronically coupled to said microprocessor means for generating a sense-detectible signal in response to said pre-programmed signal from said microprocessor means.

Claim 5. (Original) The egg-shell shaped amusement device of claim 4 wherein said detection means is a plurality of heat-sensitive detectors.

Claim 6. (Original) The egg-shell shaped amusement device of claim 5 wherein said plurality of heat-sensitive detectors are set to respond at different temperatures.

Claim 7. (Original) The egg-shell shaped amusement device of claim 4 wherein said gift is a toy dinosaur.

Claim 8. (Original) The egg-shell shaped amusement device of claim 4 wherein said gift is a toy chicks.

Claim 9. (Original) The egg-shell shaped amusement device of claim 4 wherein said gift is a toy bunny.

Claim 10. (Original) The egg-shell shaped amusement device of claim 4 wherein said gift is attached to a spring.

Claim 11. (Original) The egg-shell shaped amusement device of claim 4 further comprising a heat-labile gas-generating means housed within said egg-shell housing.

Claim 12. (Original) The egg-shell shaped amusement device of claim 11 wherein said heat-labile gas-generating means comprises acetic acid and sodium bicarbonate.

Claim 13. (Original) The heat-labile gas-generating means of claim 12 wherein said acetic acid and sodium bicarbonate are separated from each other by a heat-labile membrane.

Claim 14. (Original) The egg-shell shaped amusement device of claim 4 further comprising a heat labile material within said egg-shell housing.

Claim 15. (Added) A package amusement device comprising:

a package selected from the group consisting of at least one of: an egg-shell, a gift bag, gift box, wrapping paper, and ribbon material;

a detector integrated with said package, operatively configured to detect change with respect to said package or to the immediate vicinity of said package;

a microprocessor integrated with said package, and electronically connected to said detector, operatively configured to generate a signal upon said change with respect to the package or to the immediate vicinity of the package; and

a signal generator electronically connected to said microprocessor operatively configured to generate a sense-detectable signal in response to said signal from said microprocessor.

Claim 16. (Added) The package amusement device of claim 15 wherein the sense-detectible signal is selected from the group consisting of: sound, light, motion, smell.

Claim 17. (Added) An egg-shell shaped package amusement device, comprising:

an egg-shell shaped housing;

a gift disposed within said egg-shell shaped housing;

a detector associated with said egg-shell shaped housing operatively configured to detect change with respect to said egg-shell shaped housing or to the immediate vicinity of said egg-shell shaped housing;

a microprocessor associated with said egg-shell shaped housing, and electronically coupled to said detector, operatively configured to generate a signal upon said change with respect to said egg-shell shaped housing or to the immediate vicinity of said egg-shell shaped housing; and

a signal generator, electronically coupled to said microprocessor, operatively configured to generate a sense-detectable signal in response to said signal from said microprocessor.

18. (Added) The egg-shell shaped amusement device of claim 17 wherein said detector is a plurality of heat-sensitive detectors.

19. (Added) The egg-shell shaped amusement device of claim 18 wherein said plurality of heat-sensitive detectors are set to respond to different temperatures.

20. (Added) The egg-shell shaped amusement device of claim 17 wherein said gift is attached to a spring.

Claim 21 (Added) A package amusement device comprising:

a package comprising a *gift* packaging box fabricated from packaging material configured for incorporating objects and/or gifts therein;

a detector integrated with said package, operatively configured to detect change with respect to said package or to the immediate vicinity of said package;

a microprocessor integrated with said package, and electronically connected to said detector, operatively configured to generate a signal upon said change with respect to the package or to the immediate vicinity of the package; and

a signal generator, integrated within the packaging material comprising said package, electronically connected to said microprocessor operatively configured to generate a sense-detectible signal in response to said signal from said microprocessor.

Claim 22 (Added) A package amusement device comprising:

a packaging means selected from the group consisting of at least one of: an egg-shell, a *gift* box, a *gift* bag, wrapping paper, and ribbon material, said packaging means comprising packaging for incorporating objects and/or gifts therein;

a detection means integrated with said packaging means configured for detecting change with respect to the packaging means or to the immediate vicinity of said packaging means;

a microprocessor integrated with said packaging means, and electronically connected to said detection means operatively configured for generating a pre-programmed signal upon said change with respect to the packaging means or to the immediate vicinity of the packaging means;

a sense-detectible signal generating means electronically connected to said microprocessor means operatively configured for generating a sense-detectible signal in response to said pre-programmed signal from said microprocessor means.

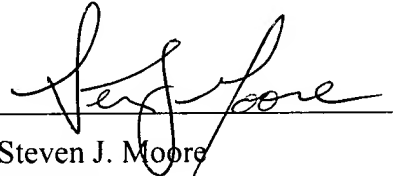
wherein said detection means is a detector that detects motion.

CONCLUSION TO REMARKS

Applicant asserts that this application is now condition for issuance. Applicant respectfully seeks early issuance of the patent.

Date: September 24, 2010

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven J. Moore", is written over a horizontal line.

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VI. APPENDIX

- Attached is: “Supplemental Declaration for Reissue Patent Application to Correct “Errors” Statement (37 C.F.R. 1.175) (5 pages) (executed), Form PTO/SB/51(2 pages) – Reissue Application Declaration By the Inventor (executed), Form PTO/SB/51S (1 page)